A bill to be entitled
An act relating to instructional materials; amending
s. 1002.20, F.S.; requiring a school principal to
communicate information to parents relating to certain
instructional materials within a specified timeframe;
amending s. 1006.28, F.S.; providing requirements for
each school district's list of instructional
materials; requiring school districts to provide
supplemental instructional materials for the school
district's educational program; requiring school
districts to create a specified policy relating to
such materials; requiring the Commissioner of
Education to review certain school district processes
and provide a report to the Governor and Legislature
by a specified date; providing requirements for such
report; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (3) of section
1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child's academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(d) Reproductive health and disease education.—A public school student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, in accordance with the provisions of s. 1003.42(3). A school principal must communicate to parents about the content of reproductive health instructional materials at least 10 days before students view such materials.

Section 2. Paragraphs (a) and (c) of subsection (2) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(2) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The district school board also has the following specific duties and responsibilities:

(a) Courses of study; adoption.—Adopt courses of study, including instructional materials, for use in the schools of the district.

1. Each district school board is responsible for the
content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available.

Each district school board shall maintain on its website a current list of instructional materials, by grade level, purchased by the district. Such list must contain, at a minimum, the title, author, and ISBN number, if available, for all instructional materials.

2. Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific instructional material, which clearly describes a process to handle all objections and provides for resolution. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

   a. An instructional material does not meet the criteria of s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

   b. Any material used in a classroom, made available in a
school library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.

If the district school board finds that an instructional material does not meet the criteria under sub-subparagraph a. or that any other material contains prohibited content under sub-subparagraph b., the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

3. Each district school board must establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-day period has expired, the school board must, for all petitions...
timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.

The school board's decision after convening a hearing is final and not subject to further petition or review.

(c) Other instructional materials.—Provide such other teaching accessories and aids as are needed for the school district's educational program, including supplemental instructional materials. Each school district shall create a policy for the use of supplemental instructional materials in the classroom in compliance with s. 1006.31(2) and any other state laws relating to instructional materials.

Section 3. The Commissioner of Education shall review the process school districts use to evaluate materials that are not included on the state-adopted list as required in s. 1006.283, Florida Statutes. The commissioner shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2020. The report shall include statistics regarding how many materials have been
removed by school districts as a result of the review process in s. 1006.283, Florida Statutes, and identify instructional materials with confirmed, factual errors and any corrective measures taken pursuant to s. 1006.35, Florida Statutes. The report shall include recommendations on ways the public can review materials that are not on the state-adopted list, including library materials, books included on summer reading lists, and books available for purchase at book fairs.

Section 4. This act shall take effect July 1, 2019.